

TITLE 16. Bureau of Barbering and Cosmetology

NOTICE IS HEREBY GIVEN that the Bureau of Barbering and Cosmetology is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 400 R Street, 1st Floor Hearing Room, Sacramento, California, 95814 at 10:00 a.m., on August 20, 2001. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau of Barbering and Cosmetology at its office not later than 5:00 p.m. on August 20, 2001 or must be received by the Bureau of Barbering and Cosmetology at the hearing. The Bureau of Barbering and Cosmetology, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7312 and 7407 of the Business and Professions Code, and to implement, interpret or make specific Sections 7312(e), 7406, and 7409 of said Code, the Bureau of Barbering and Cosmetology is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 7312(e) requires the Bureau of Barbering and Cosmetology (Bureau) to adopt rules governing sanitary conditions and precautions to be employed as are reasonably necessary to protect the public health and safety. Business and Professions Code Section 7407 requires the Bureau to establish by regulation a schedule of administrative fines for violations of this chapter.

These regulations will add Section 980.1 to and amend Section 974 of Title 16 of the California Code of Regulations to clarify and make specific proper cleaning and disinfecting procedures for whirlpool footspas, and to provide for an administrative fine for violations. The adoption of this section is in response to a recent outbreak of skin boils among pedicure customers whose services included use of whirlpool footspas that had not been properly cleaned or disinfected. These regulations will protect consumers by eliminating the risk of further threats to public health.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

Cost of cleaning and disinfection supplies is minimal. Businesses are already required to clean and disinfect supplies and equipment. This change is clarifying existing requirements.

Impact on Jobs/New Businesses:

The Bureau of Barbering and Cosmetology has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Effect on Housing Costs: None

Cost Impact on Representative Private Person or Business:

The Bureau of Barbering and Cosmetology is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Bureau of Barbering and Cosmetology has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Bureau of Barbering and Cosmetology must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is

proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau of Barbering and Cosmetology has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau of Barbering and Cosmetology at 400 R Street, Suite 5100, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name:	Tiffany Wetzel
Address:	400 R Street, Suite 5100
Telephone No.:	(916) 324-8945
Fax No.:	(916) 445-8893
E-Mail Address:	tiffany_wetzel@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Tiffany Wetzel at (916) 324-8945.

The back-up contact person is Cindy Walton at (916) 327-6250.

Website Access: Materials regarding this proposal can be found at www.dca.ca.gov/barber.